

REMARKS/ARGUMENTS

The claims have been amended by rewriting claims 1-7, 12, 13, and 19-20. Claims 1-22 remain in the application.

Reconsideration of this application is respectfully requested.

Claims 1-22 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Diachina, et al. (USPN 6,041,047). In support, the Examiner suggests that Diachina anticipates the limitation of the present invention. (figs. 5-9 and 11-14; col. 6, line 53- col. 7, line 40; col. 7, line 59-col. 8, line 14; col. 9, line 17 – col. 10, line 67; col. 15, line 8- col. 16, line 65; col. 21 line 24 – col. 23, lines 45). Based upon this comparison, the Examiner insists Diachina anticipates the present invention. The Applicants, however, strongly disagree.

In short, the novelty provision of 35 U.S.C 102(b) denies patentability when "the invention" was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States. It is well established, however, to "anticipate," pursuant to 102 (b), a single prior art reference must disclose each limitation of a claimed invention or its equivalents functioning in essentially the same way as arranged in the claim.

As amended, each claim in the present application recites, or depends from claims which recite:

...a *multi-carrier signal* comprising a plurality of sub-channels, wherein each sub-channel of the plurality of sub-channels occupies a *discrete frequency band*;...

...a *first* decoding mode to decode *one or more sub-channels* of the plurality of sub-channels, thereby yielding *control information*; ...

...a *second* decoding mode to decode one or more *additional* sub-channels of the plurality of sub-channels, thereby yielding *payload information*

or

...transmitting a *multi-carrier signal* comprising M sub-channels *spanning a bandwidth B_M*, wherein each sub-channel of the M sub-channels occupies a *discrete frequency band*; and transmitting *control information* in one or more control sub-channels of the M sub-channels occupying a *first portion* of the bandwidth B_M.

While Diachina relates to decoding a subset of the channel to provide extension of battery life, a careful reading of this reference fails to disclose ...a *multi-carrier signal* comprising a plurality of sub-channels, wherein each sub-channel of the plurality of sub-channels occupies a *discrete frequency band*;...*first* decoding mode to decode *one or more sub-channels* of the plurality of sub-channels, thereby yielding *control information*; ...*a second* decoding mode to decode one or more *additional* sub-channels of the plurality of sub-channels, thereby yielding *payload information*; or ...transmitting a *multi-carrier signal* comprising M sub-channels *spanning a bandwidth B_M*, wherein each sub-channel of the M sub-channels occupies a *discrete frequency band*; and transmitting *control information* in one or more control sub-channels of the M sub-channels occupying a *first portion* of the bandwidth B_M. Rather, Diachina discloses *logical* sub-channels that are *time-multiplexed* on a *single* RF carrier (col. 7, lines 59-63). Diachina defines time slots and superframes that are carried on these logical channels that support broadcast SMS to the receiving devices (col. 8, lines 4-7).

Based upon this lack of teaching, the Applicants insist that Diachina fails to describe the invention of the present application. Since Diachina fails to disclose essential limitations of the claimed invention as noted above, there is no anticipation under 35 U.S.C. 102, because the exclusion of a claimed element from the prior art reference is enough to negate anticipation by that reference. For these reasons, the Applicants assert that the claims in the present application are not anticipated by Diachina and may therefore be passed to allowance.

Accordingly, this application is believed to be in proper form for allowance and an early notice of allowance is respectfully requested.

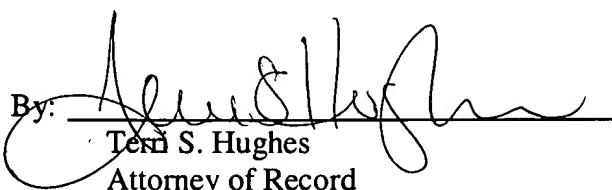
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Respectfully submitted,

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